

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. DNCW3:05CR277-3
	)	(Financial Litigation Unit)
ROBERT D. MATHIESON,	)	
	)	
and	)	
	)	
TRANSITOWNE WILLIAMSVILLE LLC	)	
dba TRANSITOWNE RESALE OF AMHERST,	)	
Garnishee.	)	

**ORDER OF CONTINUING GARNISHMENT**

**THIS MATTER** is before the Court on the Answer of Transitowne Williamsville LLC dba Transitowne Resale of Amherst as Garnishee. On August 24, 2006, the Honorable Lacy H. Thornburg sentenced Defendant to 12 months and one day incarceration for his conviction of Conspiracy to Defraud the United States in violation of 18 U.S.C. §§ 371 and 1349. Judgment in the criminal case was filed on September 11, 2006 (Docket No. 519). As part of that Judgment, Defendant was ordered to pay an assessment of \$100 and restitution of \$153,166.00 to the victims of the crime. *Id.*

On January 25, 2012, the Court entered a Writ of Continuing Garnishment ("Writ") (Docket No. 686) to Garnishee, Transitowne Williamsville LLC dba Transitowne Resale of Amherst ("Garnishee"). The United States is entitled to a wage garnishment of up to 25% of net income and has satisfied the prerequisites set forth in 15 U.S.C. § 1673. Defendant was served with the Writ on January 31, 2012. Garnishee was served with the Writ on February 2, 2012. Garnishee filed an Answer on March 9, 2012 (Docket No. 693) stating that at the time of the service of the Writ,

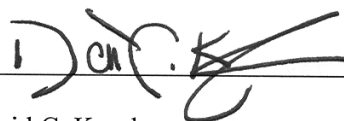
Garnishee had in their custody, control or possession property or funds owned by Defendant, including non-exempt disposable earnings.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$96,688.53 computed through January 19, 2012. Garnishee will pay the United States 10% of Defendant's net earnings which remain after all deductions required by law have been withheld, and 100% of all 1099 payments, and Garnishee will continue said payments until the debt to the Plaintiff is paid in full, or until Garnishee no longer has custody, possession or control of any property belonging to Defendant, or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, NC 28202. In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:05CR277-3.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program any federal payment Defendant would normally receive may be offset and applied to this debt.

Signed: April 6, 2012

  
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David C. Keesler  
United States Magistrate Judge

